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IN RE: PETITION FOR ZONING VARIANCE N/S Burridge Avenue, 300' W of Midi Avenue 9th Election District 4th Councilmanic District

CHARLES THE PROPERTY OF THE PARTY OF THE PAR

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-305-A

BEFORE THE

Mary Collins Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of 12 feet in lieu of the required 25 feet and a rear yard setback of 10 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Ex-

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Rudy Aquino, a real estate agent. The following persons appeared in opposition: William A. Hofferberth, Thomas F. Nibali and Robert E. Holt.

Testimony indicated that the subject property, zoned D.R. 5.5, is located on the corner of Old Harford Road and Burridge Road. Said property is a vacant lot which was inherited by the Petitioner in February 1985 and has been listed on the real estate market since April 1987. Mr. Aquino testified that the variances being requested are necessary in order that a proposed dwelling can be constructed facing Burridge Road rather than Old Harford Road. Mr. Aquino testified that due to the location of the property, its marketability is dependent upon being able to build a house facing Burridge Road as do the majority of the homes. While there exists two houses in the vicinity which face Old Harford Road, testimony indicated that those houses were built long before the present construction of Old Harford Road and the Baltimore Beltway I-695. There is no access to Old Harford Road from the subject property.

Mr. Holt, a representative of the Woodcroft Civic Association, testified that while the Association did not know the details of the Petitioner's request

TECHNICAL DESCRIPTION

Beginning on the North side of Burridge Avenue at the district of 300' +/- West of the center line of Midi Avenue. Being lot numbers 9 and 10, Block A "Harford Garden", Book W.P.C. Number 7, Folio 157, 9th Election District, Baltimore County, Maryland.

> ZONING DEPARTMENT OF BALTIMORE COUNTY 88-305-4 CERTIFICATE OF POSTING

District 97	4	Date of Posting 1/23/87	
Posted for:	Varianco		
Petitioner:	My Burida	Dete of Posting 1/22/87	Ars.
Location of Sign	forty of Palitions	1/2- 35: West 11 5-7. 700	

when they met, it was their position that they are opposed generally to any warlances being granted.

Mr. Hofferberth, the adjoining property owner, testified that he is upposed to any variances.

Since it was clear at the hearing that the Petitioner and community had not discussed the matter, it was suggested that all parties meet and if an agreement could be reached, they would notify this office accordingly. To date, none of the parties to this Petition have notified this office as to any agreement being reached.

A visual inspection of the subject property made by the Deputy Zoning Commissioner revealed that the homes on Burridge Road all face Burridge Road and are well-maintained. The two homes facing Old Harford Road are much older and not nearly as well-maintained.

The Petitioner seeks relief from Section 1802.3Cl pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief: and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section

1B02.3.C1 to permit front setback of 12 feet in lieu of the required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

25 feet; and a rear setback of 10 feet in lieu of the required 30 feet.

1. It will be very diffilcult to have proposed dwelling not

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

C/O Rudy Aquino

Address 1055 Taylor Ave., Suite 100 (Type or Print Name)

Legal Owner(s):

(Type or Print Name)

C/O Rudy Aquino

City and State

I/We do solemnly declare and affirm,

1055 Taylor Ave., Ste 100 828-6150

Towson, Maryland 21204

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

facing Burridge Road.

and the second s

Contract Purchaser:

(Type or Print Name)

Attorney for Petitioner:

Zenaida C. Marana

Becarles C. Manaras

Towson, Md. 21204

City and State Tel. 828-6150

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this dibbday of April, 1988 that a front yard setback of 12 feet in lieu of the required 25 feet and a rear yard setback of 10 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > R M Who knows . ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

not result in substantial detriment to the public good.

Ma. Hery Collins 5660 Woodsont Avenue Baltimore, Maryland 21239

Case No. 88-305-A

RE: Petition for Zoning Variance N/S Burridge Avenue, 300° W of Midi Avenue 9th Election District. 4th Councilmanic District

Dear Ms. Collins:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted in accordance with the at-

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

12-11/21 ARM M. NASTARONICZ Deputy Zoning Commissioner of Baltimore County

Enclosures

1055 Taylor Avenue, Suite 100, Towson, Md. 21204

Mr. William A. Hofferberth 2402 Burridge Road, Baltimore, Md. 21234

Mr. Thomas F. Nibali

2708 Waldor Drive, Baltimore, Md. 21234

Mr. Robert E. Holt 2435 Woodcroft Road, Baltimore, Md. 21234

People's Counsel

PATUXENT Publishing Company Company NOTICE OF 10750 Little Paturent Plrey Columbia, MO 21044 HEARING The Zoning Commissioner of Baltimore County, by authority of the 19 January 2 Zoning Act and Regu-tations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesspeaks Avenue in Towson, Maryland as follows: Case number: £8-305-A N/S Burridge Avenue THIS IS TO CERTIFY, that the annexed advertisement of 307 W of Mid Avenue 9th Election District NOTICE OF HEARING 95568 eth Councilments District Mary Coline WEDNESDAY was inserted in the following: FEBRUARY 10, 1988 ☐ Booster Weekly Catonsville Times AT 9:00 A.M. Cwings Mills Flier] Arbutus Times Variance to permit front selback of 12 feet in lieu of ☑ Towson Flier #31.08 Reporter Weekly the required 25 ft.; and a rear setback of 10 feet in weekly newspapers published in Baltimore County, Maryland how of the required 30 look. once a week for <u>eae</u> successive weeks before In the event that the Petition is granted, a buildthe 21 day of tanuary 19 88, that is to ing permit may be issued say, the same was inserted in the issues of within the thirty (30) day appeal period. The Zorung Commissioner will, how-ever, entertain any request January 21, 1988 for a stay of the secuence of said purmit during this period for good cause shown. Such request must be in writing and received in this office by the date of PATUXENT PUBLISHING COMPANY the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of Beltmore County

301-Town.Jan. 21

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified berein in Room 106 of the County Office Building, located at 111 W. Chesape a Avenue in Towson, Maryland as follows:

Come a shore to the N/S Becetages Avenue, 200' & of Midi Avenue 9th Flooties Statrict - 6th Councilmanic District Tagretare Mary Collins WEDNESCAY, FEBRUARY 10, 1988 at 9:00 a.m.

Variance to permit front setback of 12 feet in lieu of the required 25 ft.; and a rear setback of 10 feet in lieu of the requried 30 feet.

In the event that this Putition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	Me. 41748	RCBERT HAINES ming Commissioner of litimore County
DATE 1/25/97 ACCOUNT	Sec. 1. 1. 5	-
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RECEIVED AND A STATE OF THE PROPERTY OF THE PR		_
FOR	100	_
VALIDATION OR BIGNATURE C	OF CASHIER	• • • ·

BALTIMORE COUNTY, MARYLAND

ORDERED By The Zoning Commissioner of Baltimore County, this ______day

CERTIFICATE OF PUBLICATION TOWSON, MD., Jan. 21 , 1988 MOTICE OF HEARING

The Zoning Commission at all between County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 11 W. Chesapeake Avenue in Ton son, Maryland as follows: Case namber: 88-318-A

N/S Burridge Avenue, 300 W of Midli Avenue

9th Election District — 6th Council-manic District
Petitioner: Mary Collins
DATE/TIL IE: Wednesday, February
10, 1968 at 9:00 s.m.

Variance to permit front setback of THIS IS TO CERTIFY, that the annexed advertisement was publishe in THE JEFFERSONIAN, a weekly newspaper printed n Towson, Baltimore County, Md., appearing on Jan. 21, 1988 10, 1968 at 9:00 a.m.
Variance to permit front setback o
12 feet in lieu of the required 25 ft.
and a rear actback of 10 feet in lieu o
the required 30 feet.

In the event that this Petition is Susan Sender Obrect In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zonling Commissioner will, however, entertain any request for a stay of the issuance of and permit during this period for good carries shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAIN Zoning Commission of Baltimore Cour 1/185 Jan. 21. Baltimore County
Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Ms. Mary Collins c/o Rudy Aquino 1055 Taylor Avenue, Suite 100 Towson, Maryland 21204 Re: Case number: 88-305-A
N/S Burridge Avenue, 300' W of Midi Avenue
9th Election District - 6th Councilmanic District Petitioner: Mary Collins Bear Ms. Collins: Please be advised that \(\frac{1}{26.17} \) is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior ato the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Rolling ounty, Maryland and forward 113, Towson, Maryland 21204. BALTIMORE CONTITY, MARYLAND MO. 50536 OFFICE OF FINANCE - REVENUE DIVISION MIS ELLANEOUS CASH RECEIPT

> BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of November , 1987.

Attorney

Received by: James E. Dyer Petitioner Mary Collins Chairman, Zoning Plans Advisory Committee Petitioner's

OLD HARFORD RD. -RLMP-UP FRONT) .VICINITY MAP NOT TO SCALE 25' LOTE (FRONT DWG. PLAT FOR ZONING VARIANCE OWNER! ADELMO & ZENAIDA MARANA OT ELECTION DIST.

> Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Gentlemen:

Paul II. Reincke November 25, 1987 J. Robert Haines Zoning Commissioner

Baltimore County Office Building Towson, MD 21204

Office of Planning and Zoning

Re: Property Owner: Mary Collins Location: N/S Burridge Avenue, 300' W. Midi Avenue

Item No.: 152

Zoning Agenda: Meeting of 11/3/87

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Bartimore County Standards as published by the Department

() 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at ____

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or Leginning of operation.

($_{\rm X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoping Commissioner Date_ December 21, 1987 Norman E. Gerber, AICP

FROM Director of Planning and Zoning Zoning Petition Nos. 88-304-A, 88-305-A, SUBJECT 88-306-A, 88-307-SPH, 88-308-A, 88-309-A

There are no comprehensive planning factors requiring comment on this

horman E. Gerber, NICP Houvell

NEG: JCH: dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

Baltimore County Department of Public Works Bureau of Trathe Engineering Courts Building, State 405 Towson, Maryland 21204 494-3554

Zoning Commissioner County Office Building Towson, Maryland 21204

November 10, 1987 Dennis F. Rasmussen

Dear Zoning Commissioner: The Aureau of Traffic Engineering has no comments for items number 149, 150, 151, 152, 153, 154, 155, 156, and 158.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

1055 Taylor Ave , Suite 100

February 16, 1988

Dear Mr. Hofferberth:

Enclosed are the proposed houses to be built on the lot. The price range is between \$85,000 to \$89,000. Please feel free to call me if you have any questions.

Thank you.

Sincerely yours, Rudy F. Aquino BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 3, 1988

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Haryland 21204

Buteau of

Engineering

Bureau of

Industrial Development

Department of Traffic Engineering

State Poads Commissi

Health Department

Project Planning

Building Department Board of Education

Zoning Administration

Ms. Mary Collins c/o Rudy Aquino 1055 Taylor Avenue, Suite 100 Towson, Maryland 21204

> RE: Item No. 152 - Case No. 88-305-A Petitioner: Mary Collins Petition for Zoning Variance

Dear Ms. Collins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Syer /KeB Zoning Plans Advisory Committee

JED:kkb Enclosures

RAM REALTY, INC. 10 is Livior Ave. Suite 100 Ewson, Maryland 21:04

April 19, 1988 Re: Case # 88-305-A

Dear Ms. Nastarowitz:

Enclosed is the letter I sent to Mr. Hofferberth. I finally was able to get together with him March 4, 1988, and he told me that he has no objection over the variance petition and that I should proceed with the project. If you approve our petition, I'll apply for the building permit immediately.

Thank you.

Euch Other is independently Owned And Operated

Dennis F. Rasmussen